



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

April 26, 2011

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**HEARING ON AMENDMENT TO COUNTY CODE (TITLE 22 -- PLANNING
AND ZONING) TO MODIFY THE HEARING EXAMINER ORDINANCE
(ALL SUPERVISORIAL DISTRICTS) (3-VOTES)**

SUBJECT

The proposed modification to Title 22 (Zoning Ordinance) will modify the hearing examiner procedure so that the director may determine which matters first go to the hearing examiner before being heard by the commission.

IT IS RECOMMENDED THAT YOUR BOARD, AFTER THE PUBLIC HEARING:

1. Indicate the intent to adopt the proposed amendment to Title 22 of the County Code regarding the hearing examiner procedure.
2. Instruct County Counsel to prepare a final ordinance for adoption.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

On April 3, 2007 the Board of Supervisors approved a motion instructing the Director of Regional Planning and County Counsel to prepare an ordinance that establishes a Hearing Examiner procedure. This procedure would increase opportunities for public participation, enable efficient public hearings, and improve feedback to project applicants.

The Hearing Examiner procedure would enable an experienced planner to hold public hearings in the community where the project is proposed. The Hearing Examiner staff report presented to the Commission would include details on public input from the Hearing Examiner meeting, as well as detailed recommendations. By making the public hearings more accessible and convenient, this would encourage and increase opportunities for public participation. The Board of Supervisors adopted the Hearing

Examiner Ordinance on August 12, 2008. However, in January 2009 the hearing examiner procedure was suspended due to budget constraints and was never initiated.

The Hearing Examiner Ordinance includes a one-year "pilot" program that is to begin on adoption of the ordinance. During the first year the Director decides which cases are heard by the Hearing Examiner before going to the Commission. The pilot program was included to phase in the new procedure to ensure case management is as efficient and expeditious as it can be. During the pilot program staff would monitor and evaluate the procedure and make minor adjustments if needed. The ordinance states that after the one-year pilot program all permits, variances, land divisions and amendments are to go through the hearing examiner procedure.

As currently written, Section 22.60.171.A requires that all projects subject to a hearing before the Commission are first heard by a Hearing Examiner. This proposal would provide the Planning Director discretion to determine which matters first go to the hearing examiner before being heard by the Commission. Typical projects that are likely to utilize the hearing examiner procedure include but are not limited to large, significant developments, projects that will evoke major public controversy and proposals involving the preparation of environmental impact reports.

IMPLEMENTATION OF COUNTYWIDE STRATEGIC PLAN GOALS

The Countywide Strategic Plan directs that we provide Operational Effectiveness (Goal 1), and Community and Municipal Services (Goal 3). Approval of the proposed amendment to the County Code will provide services in an accurate, efficient, timely and responsive manner.

FISCAL IMPACT

Implementation of the proposed ordinance will not result in any loss of revenue to the County or create significant new costs to the Department of Regional Planning.

FINANCING

The proposed ordinance will not result in additional net County costs to Regional Planning and therefore a request for funding is not being made at this time.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The ordinance is necessary to conduct community-based public hearings within the unincorporated County communities on a regular and consistent basis. The proposed ordinance amendment is exempt from the California Environmental Quality Act based on Section 15061(b) (Chapter 3, Title 14, California Code of Regulations) because there

is no possibility that the proposed procedural changes would have a significant effect of the environment.

On January 5, 2011 the Regional Planning Commission had a discussion regarding the proposed hearing examiner amendment. The Commission's recommendations have been incorporated into the draft ordinance.

A public hearing is required pursuant to Section 22.16.200 of the County Code and Section 65856 of the Government Code. Required notice must be given pursuant to the procedures and requirements set forth in Section 22.60.174 of the County Code. These procedures exceed the minimum standards of Section 6061, 65090, and 65856 of the Government Code relating to notice of a public hearing.

IMPACT ON CURRENT SERVICES (OR PROJECTS)


Approval of the proposed ordinance will not significantly impact County services.

CONCLUSION

The proposed ordinance amendment modifies the hearing examiner procedures which will enhance the ability of the public to be informed about proposed development projects. Having public hearings within the community will provide a convenient means for the public to participate in the decision making process.

Respectfully submitted,

DEPARTMENT OF REGIONAL PLANNING


Richard J. Bruckner
Director

RB:JG:KS

Attachments:

1. Project Summary
2. Draft Ordinance
3. Legal Notice of Board Hearing

c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors
Auditor-Controller
Director, Department of Public Works
Assessor

DEPARTMENT OF REGIONAL PLANNING
AMENDMENT TO HEARING EXAMINER ORDINANCE PROJECT SUMMARY

PROJECT IDENTIFICATION: The project is an amendment to modify the hearing examiner ordinance to give the Planning Director discretion to determine which matters first go to the hearing examiner before being heard by the Commission.

REQUEST: Approve the proposed amendment to Title 22

LOCATION: Countywide

STAFF CONTACT: Ms. Karen Lafferty at (213) 974-6432

RPC MEETING DATE: January 5, 2011 (Discussion and Possible Action)

RPC RECOMMENDATION: Board Hearing and approval of proposed ordinance amendment

MEMBERS VOTING AYE: Bellamy, Modugno, Helsley, Valadez

MEMBERS ABSENT: 4th District

BOARD HEARING: April 26, 2011

KEY ISSUES:

The Board of Supervisors adopted the Hearing Examiner Ordinance on August 12, 2008. However, in January 2009 the hearing examiner procedure was suspended due to budget constraints and was never initiated.

The Hearing Examiner Ordinance includes a one-year "pilot" program that is to begin on adoption of the ordinance. During the first year the Director decides which cases are heard by the Hearing Examiner before going to the Commission. The ordinance states that after the one-year pilot program all permits, variances, land divisions and amendments are to go through the hearing examiner procedure.

As currently written, Section 22.60.171.A requires that all projects subject to a hearing before the Commission are first heard by a Hearing Examiner. This proposal would provide the Planning Director discretion to determine which matters first go to the hearing examiner before being heard by the Commission.

The Hearing Examiner procedures will enhance the ability of the public to be informed about proposed development projects. Having public hearings within the community will provide a convenient means for the public to participate in the decision making process.

ORDINANCE NO. Draft

An Ordinance amending Title 22-Planning and Zoning of the Los Angeles County Code, relating to the Hearing Examiner procedure.

The Board of Supervisors of the County of Los Angeles ordains as follows:

...

SECTION 1. Section 22.60.171 is hereby amended as follows:

22.60.171 Conduct of hearing examiner proceedings. A. When a verified application is filed or a hearing is initiated for a permit, variance, zone change or amendment, land division, or plan amendment and a hearing is required by Title 21 or this Title 22, ~~except as set forth in subsection B,~~ the hearing examiner shall may first hold a public hearing on all projects subject to a hearing before the commission except on appeals and calls for review of projects decided by the hearing officer.

B. ~~For the first 12 months after the effective date of the ordinance adding this section, t~~The director shall may determine which matters first go to the hearing examiner set before being heard by the commission. ~~shall first be subject to the hearing examiner procedure.~~

HE Ordinance Amendment 02-15-11

COUNTY OF LOS ANGELES

**NOTICE OF PUBLIC HEARING
ON PROPOSED AMENDMENT TO TITLE 22 (ZONING ORDINANCE)
OF THE LOS ANGELES COUNTY CODE**

PROJECT NUMBER: R2007-00737-(1-5)

CASE NUMBER: RADV20070006-(1-5)

Proposed amendment to the Los Angeles County Code (Title 22 – Zoning Ordinance) to modify the Hearing Examiner Ordinance.

NOTICE IS HEREBY GIVEN that the Regional Planning Commission of the County of Los Angeles has recommended approval of an ordinance to modify the Hearing Examiner Ordinance to provide the Planning Director discretion to determine which matters first go to the Hearing Examiner before being heard by the Commission.

NOTICE IS ALSO HEREBY GIVEN that a public hearing will be held before the Board of Supervisors, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012 at **9:30 a.m. on _____**, pursuant to Title 22 of the Los Angeles County Code and Title 7 of the Government Code of the State of California (Planning and Zoning Law) for the purpose of hearing testimony relative to the adoption of the above mentioned amendment.

Written comments may be sent to the Executive Office of the Board of Supervisors in Room 383 at the above address. If you do not understand this notice or need more information, please contact Ms. Karen Lafferty at 213-974-6432 between 7:30 a.m. to 6:00 p.m. Monday through Thursday or e-mail her at klafferty@planning.lacounty.gov. Project materials will also be available on the Department of Regional Planning website at: <http://planning.lacounty.gov>.

Pursuant to the California Environmental Quality Act and County Guidelines, a Negative Declaration has been prepared that shows that the proposed ordinance will not have a significant effect on the environment.

“ADA ACCOMMODATIONS: If you require reasonable accommodations or auxiliary aid and services such as material in alternate format or a sign language interpreter, please contact the Americans with Disabilities Act Coordinator at (213) 974-6488 (Voice) or (213) 617-2292 (TDD), with at least three business days notice.”

Si no entiende esta noticia o necesita más información, por favor llame este número (213) 974-4899.

**SACHI A. HAMAI
EXECUTIVE OFFICER-CLERK OF
BOARD OF SUPERVISORS**